UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,303	04/24/2000	Joann Ruvolo	AM9-99-0134	7178

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EXAMINER
MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 March 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>23-39</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>23-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.　This Non-Final Office action is responsive to Applicant's amendment filed March 2, 2004.

Claims 23, 29, and 32-39 have been amended.

Claims 23-39 are pending.

2.　The previously pending objection to the declaration is withdrawn in response to Applicant's submission of a corrected Application Data Sheet.

The previously pending objection to the specification is withdrawn in response to Applicant's amendment of the specification.

The previously pending rejection under 35 U.S.C. 101 is withdrawn in response to Applicant's amendment of the claims.

The previously pending rejections under 35 U.S.C. 112, 2nd paragraph are withdrawn in response to Applicant's amendment of the claims.

Response to Arguments

3.　Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Perlman (U.S. Patent No. 5,558,339).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 23-39 are rejected under 35 U.S.C. 102(b) as being anticipated by

Perlman (U.S. Patent No. 5,558,339).

Perlman discloses an electronic calendar event matching system, said system

comprising:

[Claim 23]   a calendar store (col. 11, lines 11-37 – The server stores user preference

information at least as long as the user is logged in);

a match server operatively connected to said calendar store by an electronic

calendar application (col. 11, lines 11-37 – Users are matched up by game-related

preferences), said match server comprising:

a request handler operatively connected to an event handler, said request

handler routing requests for calendar event functions to said event handler, said event

handler allowing for the registration, modification, or deletion of an event (col. 11, lines

11-37);

an event repository, said event repository cooperating with said event

handler to store and update calendar event functions (col. 11, lines 11-37 – The server

stores user preference information at least as long as the user is logged in);

a response handler operatively notifying a requesting first entity that said

calendar event has been registered, modified, or deleted (col. 11, lines 41-43 – Upon

notifying a user that a match for him/her has been found, the user is inherently notified

of results regarding the registration of his/her game preferences), and

a match engine performing a search of said event repository to locate a

match for registered events of said first entity with a registered event of at least one

second entity, said match fulfilling the period of time, event criteria, minimum matching

requirements, and attributes of an activity or an entity (col. 11, lines 11-43 – Users who

currently want to play the same game, live within the same area code, and possess the

same skill level may be matched together);

[Claim 24]   a timer module and said match engine searches for matching events

according to a schedule of said timer module (col. 10, line 1 through col. 11, line 49 --

Perlman's invention is timed to begin performing matches whenever a user logs in to

request a game match);

[Claim 25]   wherein upon location of a match of a calendar event, said response

handler notifies said first entity and said second entity via said electronic calendar

application (col. 11, lines 41-43);

[Claim 26]   wherein said calendar event functions comprise categories (col. 11, lines

11-12 – The video games are part of a "video game" category and each specific type of

video game can be viewed as a category unto itself);

[Claim 27]   wherein said categories comprise at least one of: personal matching, job

positions, job qualifications, meetings, and activities (col. 11, lines 11-43);

[Claim 28]   wherein said categories comprise any of a commerce activity, service

desired, service offered, item for sale, item desired for purchase, request for quote,

delivery of pickup of an item or person(s), replenishment of supplies, or the reservation

of the use of a facility, place, vehicle or object (col. 11, lines 11-43 – Multi-player video

game services are offered);

[Claim 29]   wherein a multiplicity of times for a commerce activity are available at

variable prices or rates and which the most favorable price or rate is selected (col. 9,

lines 15-23 – Users can select to pay business or off-hour rates by logging in to play a

game either during business hours or off-hours, respectively);

[Claim 30]   wherein said system may be implemented locally or remotely on one or

more computer-based systems, across networks or existing communication mediums

(col. 10, lines 18-35);

[Claim 31]   wherein said across networks element comprises any of LANs, WANs,

cellular, Internet or Web based networks (col. 10, lines 18-35).

[Claims 32-39]   Claims 32-39 recite limitations already addressed by the rejection

of claims 23-31 above; therefore, the same rejection applies.

Regarding claims 32 and 39, matching occurs until a sufficient number of users

has been identified. Once all suitable users have been matched to play a game, it is

understood that the users are no longer in search of a match. These users are

connected to one another to play the requested game and they are charged

accordingly. Users are moved from one status to another as they are matched and are

later monitored for connection time charges, thereby indicating that the users' requests

to play a game are effectively moved from an event repository to a match repository. In

other words, while a user is still in search of a match, it can be interpreted that his/her

request is in an event repository. However, once the user finds his/her match(es), the

user is removed from the event repository since he/she is no longer in search of a

match(es). Successful matches are assigned a unique identification code and details of

the match and resulting game statistics are stored (col. 11, lines 41-49); therefore, it is

understood that specific user and related game statistics are stored in a separate

repository.

Furthermore, as per claim 38, Perlman's users can only be matched as long as

they are logged in. Once they log off, they effectively delete any current event matches.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-

1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Receptionist whose telephone number is

(703)308-1113.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703)305-7687   [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048   [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna M. Diaz
Primary Examiner
Art Unit 3623
May 17, 2004